

# Exhibit A-3

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NO. \_\_\_\_\_

Filed  
Caroline Woodburn  
District Clerk  
12/30/2015 3:00:55 PM  
Potter County, Texas  
By zfw Deputy  
06

ZACHARY JORDAN LAROE

VS.

C.R. ENGLAND, INC., d/b/a C.R. ENGLAND  
TRUCKING, INC.; and KEITH BRACEY

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

POTTER COUNTY, TEXAS

251st

\_\_\_\_\_ JUDICIAL DISTRICT

## PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Zachary Jordan LaRoe, Plaintiff, files this Plaintiff's Original Petition complaining of C.R. England, Inc. d/b/a C.R. England Trucking, Inc. ("C.R. England") and Keith Bracey ("Mr. Bracey), collectively "Defendants," and respectfully shows as follows.

### I.

#### DISCOVERY PLAN LEVEL 3

1. Plaintiff requests that this lawsuit be governed by Discovery Plan Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

### II.

#### PARTIES

2. Plaintiff is an individual resident of Clarendon, Donley County, Texas.
3. C.R. England is a foreign corporation organized and existing under the laws of the State of Utah, whose principal office is located at 4701 W. 2100 S., Salt Lake City, Utah 84120-1223, and is authorized to do business in Texas. Issuance of citation is not requested at this time.

-1-

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District Clerk  
Potter County, Texas  
By br, Deputy

4. Mr. Bracey is an individual who resides in Warner Robins, Georgia. Issuance of citation is not requested at this time.

III.

JURISDICTION AND VENUE

5. This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this court. Venue is proper in Potter County, Texas, because all or a substantial part of the events giving rise to the cause of action occurred here.

IV.

FACTUAL BACKGROUND

6. This suit is necessary to collect a legal debt and damages due and owing Plaintiff because of an incident which occurred on or about November 22, 2015. On or about that date, Mr. LaRoe, driving a 1999 Ford Mustang, was traveling southeast on US 287 in Potter County, Texas. A truck driven by Mr. Bracey and owned by and in use for the furtherance of the business of C.R. England, was also traveling southeast on US 287. Mr. Bracey, in the process of turning around, turned across both lanes of traffic. As a result, Plaintiff's vehicle was unable to avoid colliding with Defendants' vehicle. As a result of the incident, Plaintiff sustained serious and permanent personal bodily injuries.

V.

**RESPONDEAT SUPERIOR**

7. At the time of the crash made the basis of this lawsuit, Mr. Bracey was an agent, servant and/or employee of C.R. England in the course and scope of his agency, service and/or employment. C.R. England thus is vicariously liable for the negligence of Mr. Bracey under the legal principles of agency and/or of *respondeat superior*.

VI.

**CAUSES OF ACTION AGAINST MR. BRACEY**

8. Mr. Bracey had common-law and statutory duties to use ordinary care in the operation of his vehicle. He negligently breached those duties and that negligence proximately caused Plaintiff's injuries and damages. Specifically, Mr. Bracey was negligent in the following particulars:

- a. failing to keep a proper lookout;
- b. failing to control the speed of his vehicle;
- c. failing to timely apply his brakes;
- d. failing to maintain a single lane;
- e. making an improper and unsafe turn; and
- f. failing to act as a reasonable person using ordinary care in the same or similar circumstances.

VII.

CAUSES OF ACTION AGAINST C.R. ENGLAND

9. As set out above, RGV is vicariously liable for the negligence of Mr. Bracey. Additionally, C.R. England is independently negligent, and such negligence was a proximate cause of Plaintiff's injuries and damages in the following particulars:

- a. negligently hiring and retaining Mr. Bracey; and
- b. negligently failing to properly train and supervise Mr. Bracey.

VIII.

DAMAGES

10. Because of his bodily injuries proximately caused by Defendants' negligence, Plaintiff is entitled to reasonable and proper compensation for the following legal damages:

- a. past and future medical bills;
- b. past and future physical pain and mental anguish;
- c. past and future physical impairment;
- d. past and future physical disfigurement;
- e. past lost wages and future lost wage-earning capacity; and
- f. past and future loss of household services.

11. Plaintiff seeks actual and punitive damages be awarded to the jury in an amount over \$1,000,000, an amount within the jurisdictional limits of this Court.

IX.

GROSS NEGLIGENCE

12. Plaintiff would further show that the clear and convincing evidence in this case will show that Defendants acted with gross negligence in that when viewed objectively from the standpoint of these Defendants at the time of the occurrence, there was an extreme degree of risk considering the probability and magnitude of potential harm to others, and of which each Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with indifference to the rights, safety, or welfare of others, including the Plaintiff. Therefore, punitive damages are sought and should be assessed against each Defendant.

X.

REQUEST FOR DISCLOSURES

13. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this Plaintiff's Requests for Disclosure to Defendant.

XI.

RULE 193.7 NOTICE

14. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice that all documents produced by any party to this case will be used at any pretrial proceeding or at the trial of this matter.

XII.

JURY DEMAND

15. Pursuant to Texas Rule of Civil Procedure 216, Plaintiff requests a trial by jury and would show that the appropriate fee is paid contemporaneously with the filing of this Petition.

XIII.

PRAYER

Plaintiff prays that he have judgment against Defendants, jointly and severally, for actual damages shown and proved at trial, for prejudgment and post-judgment interest, for costs of court and for all other relief, legal and equitable, to which he is entitled.

Respectfully submitted,

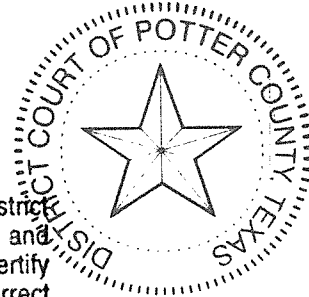
THE LANIER LAW FIRM, P.C.

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CAROLINE WOODBURN

District Clerk

Potter County, Texas

By BW, Deputy



I, Caroline Woodburn, Clerk of the District Courts and County Courts at Law, in and for Potter County, Texas, do hereby certify that the foregoing instrument is a correct copy of the original on file in this office

ATTESTED this 12th day of January, 2016

By Bobbie J. Dunlap  
Deputy

By: /s/ Judson Waltman  
W. MARK LANIER  
State Bar No.: 11934600  
Judson Waltman  
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ATTORNEYS FOR PLAINTIFF

Filed  
Caroline Woodburn  
District Clerk  
12/30/2015 3:00:55 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy